

APPEAL NO. 020079
FILED FEBRUARY 19, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 10, 2001. The hearing officer resolved the issues before him by determining that the appellant (claimant) did not sustain a compensable injury on _____, and that he did not have disability. The claimant appealed the hearing officer's determinations on sufficiency grounds. The respondent (carrier) responded, urging affirmance.

DECISION

We affirm.

It is undisputed that the claimant sustained a compensable injury to his low back at the L4-5 level on October 26, 1998. At issue in this case is whether the hearing officer erred in determining that the claimant did not sustain a new compensable injury on _____, and that he did not have disability. The claimant asserts that he sustained a new injury, or, in the alternative, an aggravation injury, to his low back at the L4-5 level on _____. To support his position, the claimant presented testimony and medical evidence to show that he sustained a new injury. The carrier presented testimony and medical evidence to show that the claimant did not sustain a new injury on _____.

In a case such as the one before us where both parties presented evidence on the disputed issues, the hearing officer must look at all of the relevant evidence to make factual determinations, and the Appeals Panel must consider all of the relevant evidence to determine whether the factual determinations of the hearing officer are so against the great weight and preponderance of the evidence as to be clearly wrong or unjust. Texas Workers' Compensation Commission Appeal No. 941291, decided November 8, 1994. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION for Reliance National Indemnity Company, an impaired carrier** and the name and address of the registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR
T.P.C.I.G.A.
9120 BURNET ROAD
AUSTIN, TEXAS 78758.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Edward Vilano
Appeals Judge